

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STONEX COMMODITY SOLUTIONS LLC,
f/k/a FCStone Merchant Services, LLC,

Plaintiff,

v.

No. 23-cv-00735-MLG-LF

THOMAS BUNKLEY III,

Defendant.

MOTION FOR ENTRY OF DEFAULT JUDGMENT

COMES NOW Plaintiff StoneX Commodity Solutions, LLC, by and through its counsel of record, Brownstein Hyatt Farber Schreck, LLP, and pursuant to Fed. R.Civ. P. 55, hereby moves this Court to enter default judgment in favor of Plaintiff and against Defendant Thomas Bunkley III (“Defendant”) for the reasons set forth below:

1. Plaintiff StoneX Commodity Solutions, LLC filed its Complaint [ECF 1] (“Complaint”) in the above-captioned matter on August 31, 2023.
2. Service was waived and stipulated as provided in the Stipulation for Acceptance and Waiver of Service of Process and to Establish Responsive Pleading Deadline filed on September 12, 2023 [ECF 7].
3. Pursuant to the Stipulation for Acceptance and Waiver of Service of Process and to Establish Responsive Pleading Deadline filed on September 12, 2023 [ECF 7]), Defendant’s answer or responsive pleadings was initially due on October 6, 2023
4. Defendant’s Notice of Removal to the United States Bankruptcy Court for the District of New Mexico was filed on October 5, 2023 [ECF 12]. On October 12, 2023, the

Defendant filed his answer to the Original Complaint within the then-pending bankruptcy proceeding.

5. Thereafter, on January 19, 2024 the Bankruptcy Clerk's Certificate of Service of Memorandum Opinion and Order Striking Notice of Removal was filed [ECF 13], remanding this matter back to this Court.

6. After this Court granted leave to file it [ECF 59], Defendant Thomas Defendant's First Amended Original Answer in this matter was filed on August 20, 2024 [ECF 60].

7. After the Court granted leave to file it [ECF 67], Plaintiff's Amended Complaint was filed on November 12, 2024 [ECF 68], adding claims for unjust enrichment and quantum meruit .

8. Pursuant to Fed. R.Civ. P. 15(a)(3), Buckley's answer or responsive pleadings to the Amended Complaint [ECF 68] were due on November 26, 2024. Defendant did not file anything on that date, or even since then.

9. Accordingly, Defendant has failed to plead or otherwise defend the unjust enrichment and quantum meruit claims as provided by the Federal Rules of Civil Procedure.

10. On April 23, 2025, Plaintiff filed a Request for Clerk's Entry of Default (Praecipe) on Defendant Thomas Bunkley III [ECF 75], along with the Affidavit of Non-Military Service for Defendant Thomas Bunkley III [ECF 76].

11. The Clerk entered default on April 24, 2025 [ECF 77].

12. In accordance with the provisions of Fed. R.Civ. P. 55(b)(2), Defendant is being served with this Motion for Entry of Default Judgment.

13. Pursuant to D.N.M.LR-Civ. 7.1, Plaintiff has made a good-faith request for

concurrence and Defendant opposes this Motion.

WHEREFORE, pursuant to Fed. R.Civ. P. 55(a), Plaintiff StoneX Commodity Solutions, LLC requests the Court to enter an Order for default judgment against Defendant Thomas Bunkley, III for failure to plead or otherwise defend the allegations against him in this matter on the unjust enrichment (Count II) and quantum meruit (Count III) claims, and that the Court, pursuant to Fed. R.Civ. P. 55(b)(2) conduct a hearing to determine the amount of monetary judgment requested in the Amended Complaint.

Dated: April 24, 2025.

Respectfully submitted,

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By /s/ Eric R. Burris

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Attorneys for StoneX Commodity Solutions LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 24, 2025, a true and correct copy of the foregoing **MOTION FOR ENTRY OF DEFAULT JUDGMENT** was filed electronically through the CM/ECF system, which caused counsel of record to be served by electronic means, as more fully reflected in the Notice of Electronic Filing.

/s/ Eric R. Burris

Eric R. Burris

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